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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
\$31,901 IN UNITED STATES )  
CURRENCY )  
 )  
Defendant. )

No. 07-5166 MHP

REQUEST TO THE CLERK  
TO ENTER A DEFAULT

The United States of America, through its undersigned counsel, respectfully requests the Clerk to enter a default in this case pursuant to Rule 55(a), Federal Rules of Civil Procedure, and Rules 6-1 and 6-2, Admiralty Local Rules, on the basis that proper notice has been given, and that no claim has been filed for the above captioned defendant. Once the Clerk enters a default, the United States plans to move for a default judgment.<sup>1</sup>

<sup>1</sup> On January 28, 2008, a Case Management Conference was held before the Honorable Marilyn Hall Patel. No claimants having appeared, the Court instructed the United States to file a request for default judgement by March 3, 2008.

## I. Background

On October 9, 2007, the United States filed this action to obtain the forfeiture of the above captioned defendant pursuant to 21 U.S.C. § 881(a)(6). On October 9, 2007, the United States attempted to give notice to parties who might have an interest by serving Kenneth Wayne Baldwin, Jr. (hereafter "Baldwin")<sup>2</sup>, Graci Adia Maldonado and Alex Reisman, Esq. at their last known addresses. *See*, Certificate of Service filed January 15, 2008, Docket # 6.<sup>3</sup> The United States also published notification of this action in The Recorder, a newspaper of general circulation on October 24, 2007. *See* Proof of Publication of Notice of Forfeiture Action, filed on February 28, 2008, Docket # 12. To date, no one has filed a claim to the above captioned defendant or filed an answer to defend the defendant in this judicial forfeiture action.

## II. Request for Entry of A Default

In order to appear and defend property named as defendant in a civil forfeiture action, an individual must file a claim within 35 days after receiving notice of the action unless the Court extends time. Rule G(5)(a)(i), Supplemental Rules of Certain Admiralty and Maritime Procedures. Otherwise, an individual who asserts an interest in the defendant property must file a claim within 30 days after completed publication of notice. Rule G(5)(a)(ii)(B), Supplemental Rules of Certain Admiralty and Maritime Procedures. After filing a timely claim, an individual seeking to defend the property in a forfeiture action has an additional 20 days to file an answer. Rule G(5)(b), Supplemental Rules of Certain Admiralty and Maritime Procedures.

In this case, no person has filed a claim within the time limits. Therefore, no one has asserted the right to defend the above captioned defendants. Accordingly, the United States

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<sup>2</sup> On October 24, 2007, the United States received a signed U.S. Postal Return receipt for Kenneth Wayne Baldwin, Jr. which is attached hereto as Exhibit A.

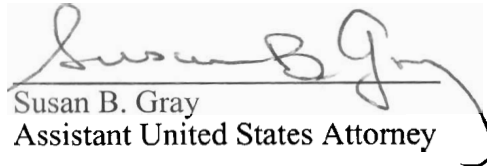
<sup>3</sup> On February 12, 2008, the United States sent a second courtesy copy of the complaint to Baldwin. *See*, Certificate of Service filed February 12, 2008, Docket # 11.

1 requests the Clerk to enter a default. Upon entry of a default, the United States will move for a  
2 default judgment.

3 Respectfully submitted,

4 JOSEPH P. RUSSONIELLO  
5 United States Attorney

6 Dated: February 29, 2008

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8 Susan B. Gray  
9 Assistant United States Attorney  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

• REQUEST TO THE CLERK TO ENTER A DEFAULT  
to be served this date via first class mail delivery upon the person(s) below at the place(s) and address(es) which is/are the last known address(es):

Kenneth Wayne Baldwin, Jr.  
1006 Raube Court  
Modesto, CA 95351

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 29<sup>th</sup> day of February, 2008, at San Francisco, California.

  
ALICIA CHIN  
Paralegal/ AFU

**Exhibit A**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) <i>Kenneth Baldwin</i> B. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p><i>Kenneth Wayne Baldwin, Jr.</i>  <i>1006 Raube Court</i>  <i>Modesto, CA 95351</i></p>		<p>C. Signature <i>K Baldwin</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Copy from service label)</p>		<p>7006 0100 0004 5600 7433</p>	